

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

12-CR-211-RJA

UNITED STATES OF AMERICA,

v.

NOTICE OF MOTION

MICHAEL LEE REED, JR.,

Defendant.

MOTION BY:

John Humann, Senior Litigator.

DATE, TIME & PLACE:

Before the Honorable Hugh B. Scott, United States
Magistrate Judge, United States Courthouse, 2
Niagara Square, Buffalo, New York, **on October 9,
2012, at 2 p.m.**

SUPPORTING PAPERS:

Affirmation of John Humann, dated
September 17, 2012.

RELIEF REQUESTED:

Discovery order and suppression of statements.

DATED:

Buffalo, New York, September 17, 2012.

/s/ John Humann

John Humann

Senior Litigator

Federal Public Defender's Office

300 Pearl Street, Suite 200

Buffalo, New York 14202

(716) 551-3341, (716) 551-3346 (Fax)

john_humann@fd.org

Attorney for Defendant Michael Lee Reed, Jr.

TO: Michael DiGiacomo
Assistant United States Attorney

UNITED STATES DISTRICT COURT
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AFFIRMATION

MICHAEL LEE REED, JR.,

Defendant.

JOHN HUMANN, affirms under penalty of perjury that:

1. I have represented Mr. Reed since the beginning of this action, approximately May 11, 2012.

2. Mr. Reed is charged with inducing a minor to engage in sexual activity in violation of Title 18, Section 2422 (b), and with attempted production of child pornography.

3. On May 25, 2012, Counsel sent the government a letter requesting discovery consistent with Federal Rules of Criminal Procedure 16.

4. Counsel does not believe he has received the full discovery that he is entitled to, and would request the Judge to issue an order directing that the government comply with Rule 16.

5. On May 11, 2012, the defendant allegedly gave a statement to the investigating agents. We submit that statement was not freely and voluntarily given. We believe that a hearing will have to be ordered to explore this issue.

DATED: Buffalo, New York, September 17, 2012.

Respectfully submitted,

/s/John Humann

John Humann

Senior Litigator

Federal Public Defender's Office

300 Pearl Street, Suite 200

Buffalo, New York 14202

(716) 551-3341, (716) 551-3346 Fax

john_humann@fd.org

Counsel for Defendant Michael Lee Reed, Jr.

To: Michael DiGiacomo
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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MICHAEL LEE REED, JR.,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on **September 17, 2012**, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. Michael DiGiacomo
Assistant United States Attorney
Western District of New York
138 Delaware Avenue, Federal Centre
Buffalo, New York 14202

And, I hereby certify that I have e-mailed the document to the following non-CM/ECF participant(s).

1. n/a

/s/ Joanne Sabatino

Joanne Sabatino, Legal Secretary
Federal Public Defender's Office